

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JAMES RYALS, JR., et al.,

Plaintiffs,

v.

HIRERIGHT SOLUTIONS, INC., et al.,

Defendants.

Civil Action No. 3:09cv625

**PLAINTIFFS' MOTION PURSUANT TO FED. R. CIV. P. 56(f)**

COME NOW the Plaintiffs, by counsel, and pursuant to Fed. R. Civ. P. 56(f), they move the Court to stay consideration of Defendants' Motion for Summary Judgment and to order the parties to conduct expedited discovery on the issues raised therein, as follows:

1. Pursuant to Fed. R. Civ. P. 30(b)(1), Plaintiffs shall notice the depositions of and Defendants shall produce the three employee witnesses who provided Declarations in support of Defendants' Motion for Summary Judgment;

2. Pursuant to Fed. R. Civ. P. 3(b)(6), Plaintiffs shall notice the expedited depositions of the Defendants, limited to the following topics:

- The organizational and ownership structures of the named Defendants;
- The proper and formal legal entity of the Defendant referred to as "USIS" in the Amended Complaint, intended as the party doing business selling governmental and commercial employment related background investigations as "USIS" at [www.usis.com](http://www.usis.com).

- The contractual and public records database use and ownership relationships between the named Defendants;
- How the Defendants operate to provide related products governed or argued by Plaintiffs to be governed by the FCRA;
- The overlap in management, control, operations or resources;
- The history of the present corporate structures and how they have evolved during the putative class period; and
- The origin, content and authenticity of Defendants' website materials.

3. Plaintiffs shall propound two Interrogatories and two Requests for Production limited to the subject matter of the Rule 30(b)(6) topics and Defendants shall respond to these within seven days of service.

4. By or before June 18, 2010, Plaintiffs shall file any supplemental response to Defendants' Motion for Summary Judgment and Defendants may file a supplemental reply within seven calendar days thereafter.

**JAMES RYALS, JR., et al,**

\_\_\_\_\_/s/\_\_\_\_\_  
Leonard A. Bennett, Esq.  
VSB #37523  
Attorney for Plaintiff  
CONSUMER LITIGATION ASSOCIATES, P.C.  
12515 Warwick Boulevard, Suite 100  
Newport News, Virginia 23606  
(757) 930-3660 - Telephone  
(757) 930-3662 – Facsimile  
Email: lenbennett@cox.net

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>rd</sup> day of April, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Amy Rachel Davis  
Williams & Connolly LLP  
725 12th St NW  
Washington, DC 20005  
202-434-5000  
Fax: 202-434-5029  
Email: adavis@wc.com

Dane Hal Butswinkas  
Williams & Connolly LLP  
725 12th St NW  
Washington, DC 20005  
(202) 434-5000

Daniel Patrick Shanahan  
Williams & Connolly LLP  
725 12th St NW  
Washington, DC 20005  
(202) 434-5174  
Fax: (202) 434-5029  
Email: dshanahan@wc.com

Frank G Bowman  
Williams & Connolly LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
202-434-5000  
Fax: 202-434-5029  
Email: fbowman@wc.com

\_\_\_\_\_/s/\_\_\_\_\_  
Leonard A. Bennett, Esq.  
VSB #37523  
Attorney for Plaintiff  
CONSUMER LITIGATION ASSOCIATES, P.C.

12515 Warwick Boulevard, Suite 100  
Newport News, Virginia 23606  
(757) 930-3660 - Telephone  
(757) 930-3662 – Facsimile  
Email: lenbennett@cox.net